



POLICY TITLE: CALCULATION OF RESIDENT DISCHARGE DATE – DETERMINATE PERIOD OF CONFINEMENT POLICY NUMBER: 22.5 CHAPTER 22: RESIDENT RECORDS		PAGE <u>1</u> OF <u>5</u>
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: February 1, 2002	LATEST REVISION: January 7, 2019	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Long Creek Youth Development Center

III. POLICY

Under certain circumstances, a court may order that juveniles be confined in the Long Creek Youth Development Center for a determinate period of time. The facility shall have a system to calculate discharge dates as provided by Maine statute.

IV. DEFINITIONS

1. **Determinate Period of Confinement** – a fixed period of time of confinement in the facility as set out in the court's order.
2. **Shock Sentence** – a determinate period of confinement given as a disposition after an adjudication of a juvenile crime.

V. CONTENTS

Procedure A: Admission
 Procedure B: Discharge
 Procedure C: Other

VI. ATTACHMENTS

None

VII. PROCEDURES

Procedure A: Admission

1. Upon receipt from a juvenile court or adult court of an order for a person to be confined to a juvenile facility for a determinate period of confinement, the Long Creek Youth Development Center Director of Classification & Collateral Services (Director), or designee, shall verify that it is a:
 - a. Judgment and Commitment for a “shock sentence” imposed on a juvenile under twenty-one years of age for a juvenile crime, as set out in [Title 15 M.R.S.A. section 3314\(1\)\(H\)](#);
 - b. Judgement and Commitment for a sentence imposed on a juvenile under eighteen years of age for an adult hunting or fishing crime, as set out in Title 12 M.R.S.A. sections [6004](#), [8004](#), and [10608](#), or an adult motor vehicle crime, as set out in Title [29-A M.R.S.A. section 115](#); or
 - c. contempt order sanctioning a juvenile under twenty-one years of age for failure to appear in court or failure to comply with a court dispositional order (e.g., failure to pay a fine), as set out in [Title 15 M.R.S.A. section 3314\(7\)](#).
2. If it is a shock sentence for a juvenile crime, the Director, or designee, shall also verify that the juvenile crime is not one described in [Title 15 M.R.S.A. section 3103\(1\)\(B\) or \(C\)](#), since a period of confinement is not allowed for such a juvenile crime under [Title 15 M.R.S.A. section 3103\(2\)](#).
3. If the order is not verified as set out above, the Director, or designee, shall inform the prosecuting attorney that the person will not be admitted to the facility and why. If the prosecuting attorney does not agree with the decision, the Director, or designee, shall contact the Department’s legal representative in the Attorney General’s Office for direction.
4. If the order is verified as set out above, and it is a shock sentence or sentence for an adult crime, the Director, or designee, shall conduct a review of CORIS and determine if the juvenile was previously detained at any Department juvenile facility. If the Director, or designee, is given any information from any source regarding previous detention, in addition to any information in CORIS, the Director, or designee, shall take necessary steps to determine the validity of the information, documenting the information given, the steps taken, and the results.
5. If it is determined that the juvenile was previously detained, the Director, or designee, shall determine if the juvenile was detained for the underlying conduct for which the juvenile is ordered confined.
6. If the juvenile was previously detained for the same conduct, the Director, or designee, shall determine if the juvenile was also serving an adult sentence for a different crime during the time the juvenile was detained. If the juvenile was not also serving an adult sentence for a different crime, the juvenile shall be credited with the previous time in detention by subtracting the number of days in detention

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from the length of the determinate period of confinement. Partial detention days (time periods of less than twenty-four (24) hours) shall not be credited.

7. If the juvenile receives the determinate period of confinement as the result of a revocation of probation or administrative release, the juvenile shall be credited not only with time in detention while awaiting the original hearing which resulted in the juvenile being placed on probation or administrative release but shall also be credited with time in detention while awaiting the probation or administrative release revocation hearing.
8. If after the detention time has been subtracted from the determinate period of confinement ordered, there is still remaining time to be served, the Director, or designee, shall inform intake staff of the incoming juvenile's scheduled arrival date.
9. If after the detention time has been subtracted from the determinate period of confinement ordered, there is no further time to be served, the Director, or designee, shall inform the prosecuting attorney that the juvenile will not be admitted to the facility and why. If it is a shock sentence, the Director, or designee, shall also inform the appropriate Juvenile Community Corrections Officer. If the prosecuting attorney does not agree with the decision, the Director, or designee, shall contact the Department's legal representative in the Attorney General's Office for direction.
10. If the order is verified as set out above, and it is a contempt order, there shall not be any credit for detention time, and the Director, or designee, shall inform intake staff of the incoming juvenile's scheduled arrival date.
11. If a person is transported to or arrives at the facility to serve a determinate period of confinement but the intake staff was not informed by the Director, or designee, of the person's arrival, the staff shall notify the Director, or designee, if available, or if not available, the Juvenile Facility Operations Supervisor (JFOS). The Director, or designee, or JFOS, as applicable, shall verify that there is a Judgment and Commitment or contempt order ordering the confinement that has been received from either the court or the transporting officer.
12. If there is no Judgment and Commitment or contempt order, the person shall not be admitted into the facility unless and until one is received.
13. If there is a Judgment and Commitment or contempt order, the Judgment and Commitment or contempt order, as well as information relating to detention time, if applicable, shall be reviewed and a decision made regarding the juvenile's admission to the facility, as set out above, by the Director, or designee, or JFOS, as applicable.

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14. If the Juvenile Facility Operations Supervisor (JFOS) makes the decision, the JFOS shall complete a report and forward it, along with all documentation relating to the Judgment and Commitment or contempt order and detention time, if applicable, to the Director, or designee, for further review.

Procedure B: Discharge

1. If the juvenile is admitted to the facility, the Director, or designee, shall calculate the juvenile's discharge date and time and enter the date and time into CORIS.
2. If the period of confinement on a shock sentence imposed by the court is put in terms of days, the juvenile shall be discharged on the last day of the period of confinement at the same time as the juvenile was admitted to the facility (e.g., If the juvenile was admitted at 2:00 p.m. on the first day of the month to serve ten (10) days and there is one (1) day of detention time credit, the juvenile shall be discharged at 2:00 p.m. on the 10th day of the month).
3. If the period of confinement on a shock sentence imposed by the court is put in terms of days and hours, the juvenile shall be discharged on the last day of the period of confinement after the hours are added to the time the juvenile was admitted to the facility (e.g., If the juvenile was admitted at 7:00 p.m. on the first day of the month to serve ten (10) days and fourteen (14) hours and there is no detention time credit, the juvenile shall be discharged at 9:00 a.m. on the 12th day of the month).
4. If the period of confinement is on an adult sentence, the juvenile shall be discharged on the last day of the period of confinement, but may be discharged at any time on that day.
5. If the period of confinement is on a contempt order and the order is put in terms of a punitive sanction, the juvenile shall be discharged on the last day of the period of confinement, but may be discharged at any time on that day.
6. If the period of confinement is on a contempt order and the order is put in terms of a remedial sanction, the juvenile shall be discharged upon notification from the court that the juvenile has complied with the terms of the contempt order (e.g., has paid the fine).
7. If the period of confinement is ordered to be served intermittently, the Director, or designee, shall note in CORIS the juvenile's date and time of first release, subsequent dates and times of admission and release, as well as the final discharge date and time.
8. If a Judgment and Commitment orders that the juvenile be confined for more than thirty (30) days, the Director, or designee, shall contact the Department's legal representative in the Attorney General's Office for direction.
9. If a contempt order with only a punitive sanction or with only a remedial sanction orders that the juvenile be confined for more than thirty (30) days, the Director, or

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designee, shall contact the Department's legal representative in the Attorney General's Office for direction.

10. If a contempt order with both a punitive sanction and a remedial sanction orders that the juvenile be confined for more than sixty (60) days in total, or for more than thirty (30) days on either type of sanction, even if the total does not exceed sixty (60) days, the Director, or designee, shall contact the Department's legal representative in the Attorney General's Office for direction.
11. If a Judgment and Commitment orders a shock sentence or an adult sentence to be consecutive to any other determinate period of confinement, the Director, or designee, shall contact the Department's legal representative in the Attorney General's Office for direction.
12. If a period of confinement is ordered to be served intermittently, the Director, or designee, shall be responsible to track whether the juvenile continues to report to the facility and serves the period of confinement as ordered by the court.
13. No juvenile shall be discharged from a determinate period of confinement unless authorized by the Superintendent, or designee.

Procedure C: Other

1. All decisions regarding admission and discharge shall be documented in CORIS, along with the reason(s) for each decision.
2. All paper documents shall be retained in accordance with the relevant retention schedule and, if applicable, included in the juvenile's Master Administrative Record.
3. Should any question arise relating to a Judgment and Commitment or contempt order, detention time, or discharge date, the Director, or designee, or Juvenile Facility Operations Supervisor (JFOS), if applicable, shall contact the Department's legal representative in the Attorney General's Office for direction.

VIII. PROFESSIONAL STANDARDS

None

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